

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESSICA LABRIE, an individual,

Plaintiff,

vs.

COURTNEY LOVE COBAIN,

Defendant.

Case No. 1:13-cv-01833-AJN

Hon Alison J. Nathan

**DECLARATION OF KENNETH D. FREUNDLICH IN SUPPORT OF MOTION
FOR LEAVE TO WITHDRAW AS COUNSEL FOR DEFENDANT AND TO STAY
PROCEEDINGS**

KENNETH D. FREUNDLICH, pursuant to 28 U.S.C. §1746, declares as follows:

1. I am an attorney admitted to practice and in good standing in this District and am the principal in Freundlich Law, attorneys for Defendant in the above-entitled action. I submit this Declaration in support of my motion pursuant to Local Civil Rule 1.4 for leave to withdraw as counsel of record for Defendant Courtney Love Cobain, and for a stay of these proceedings until such time as Plaintiff retains substitute counsel.

2. This matter was commenced by Plaintiff Jessica Labrie ("Labrie" or "Plaintiff") in Superior Court for the State of California, County of Los Angeles, BC 488024, on or about July 10, 2012.

3. Defendant Courtney Love Cobain ("Defendant") retained Freundlich Law and on or about September 11, 2012, Freundlich Law timely filed a notice of removal by which the case was removed to the United States District Court for the Central District of California, Case No. CV12-7793.

4. On or about September 19, 2012 Defendant brought motions as to the Initial

Complaint to: (i) Dismiss and/or Transfer Venue Pursuant to Fed. R. Civ. P. 12(b)(3), (ii) to Transfer Venue Pursuant To 28 U.S.C. §1404(a), and (iii) to Dismiss The First Through Ninth Causes Of Action Pursuant To Fed. R. Civ. P. 12(b)(6) and/or 9(b) and to Dismiss The Eleventh Cause Of Action Pursuant to Fed. R. Civ. P. 12(b)(6). On or about October 9, 2012, Labrie filed a First Amended Complaint ("FAC").

5. On or about November 14, 2012, Defendant filed Motions as to the FAC to: (i) Dismiss and/or Transfer Venue Pursuant To Fed. R. Civ. P. 12(b)(3), (ii) to Transfer Venue Pursuant To 28 U.S.C. §1404(a), and (iii) to Dismiss Claims One Through Three and Claims Five Through Eight Pursuant to Fed. R. Civ. P. 12(b)(6).

6. On or about March 15, 2013, the Court granted Defendant's Motion under 28 U.S.C. §1404(a) and transferred the venue of this Action to the United States District Court for the Southern District of New York where it was assigned to this Honorable Court. The transferor Court declined to rule on Defendant's Motion to the extent it sought dismissal under Fed. R. Civ. P. 12(b)(6) for failure to state a claim, but reserved this aspect of the Motion for this Court.

7. Defendant's Motion to Dismiss is still pending before this Court.

8. On or about April 1, 2013, this Court adjourned the initial pretrial conference in this matter and Defendant submitted two courtesy copies of all motion papers as the Court ordered.

9. There is no trial date in this matter and there has been no discovery. The initial pretrial conference has not been rescheduled and there is no hearing scheduled on the pending Motion to Dismiss.

10. There has been a breakdown of attorney-client relationship which has rendered it no longer possible for counsel to render effective assistance in this matter to Defendant. I am prepared to address in camera the specific reasons for this break down, if requested by this Court. Those reasons will not be disclosed at this time in order to avoid any issues concerning the preservation of attorney-client confidences.

11. Plaintiff has not provided any additional instruction regarding this action and was notified weeks ago that I would be making this Motion. Although I cannot represent to the Court Defendant's current circumstances and position, given the pending Motion to Dismiss before the Court, I believe that Defendant will likely need time to find counsel to defend this action, or to prepare to defend herself *pro se*. To avoid any prejudice to the Defendant, I believe it is in her best interest that the Court temporarily stay this action for sixty (60) days to provide her with time to find replacement counsel or appear *pro se*.

12. Neither party will be prejudiced by granting of this Motion.

13. My firm will not assert either a retaining or charging lien on this file.

14. For the foregoing reasons, I respectfully request that the Court grant the Motion to withdraw as counsel and stay this action for sixty (60) days for Defendant to retain replacement counsel or to appear *pro se*.

15. Defendant Courtney Love Cobain is a well-known celebrity whose home address is private and confidential. I have sent via Federal Express a copy of this Motion to that address as well as to the address of her business manager Steven Pines, 2001 Wilshire Blvd, Ste 250, Santa Monica, CA 90403. For an abundance of caution, I will also be serving a copy of this Motion to Withdraw on her counsel in a separate matter, John Lawrence, Esq., Dongell, Lawrence Finney LLP, 707 Wilshire Blvd., 45th Floor, LA, CA 90017-3609, e-mail JLawrence@dlflawyers.com, with whom I have been in contact about this matter and my intention to withdraw, to assure that Ms. Love Cobain has proper notice of this Motion.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 23, 2013



Kenneth D. Freundlich

